

1993 MAR 11 PM 2:29

HOUSE OF REPRESENTATIVES

I certify that the attached is a true and  
correct copy of HJR 86, which  
was introduced on 3-10-93  
and referred to the committee on.

*Wayne Means*

Chief Clerk of the House

By

*Stiles*

FILED

MAR 10 1993

HJR. No. 86

A JOINT RESOLUTION

1 proposing a constitutional amendment relating to the exemption from  
2 ad valorem taxation of real and personal property used primarily  
3 for the control of air, water, or land pollution.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Article VIII of the Texas Constitution is amended  
6 by adding Section 1-1 to read as follows:

7 Sec. 1-1. The legislature by general law may exempt from ad  
8 valorem taxation real and personal property used primarily as a  
9 facility, device, or method for the control of air, water, or land  
10 pollution.

11 SECTION 2. This proposed constitutional amendment shall be  
12 submitted to the voters at an election to be held November 2, 1993.  
13 The ballot shall be printed to provide for voting for or against  
14 the proposition: "The constitutional amendment relating to the  
15 exemption from ad valorem taxation of real and personal property  
16 used primarily for the control of air, water, or land pollution."

Court

West

Moffat

Kane

McCall

Sanders

By Stiles / Early

H.J.R. No. 86

A JOINT RESOLUTION

~~proposing a constitutional amendment~~

proposing a constitutional amendment relating to the exemption from ad valorem taxation of real and personal property used primarily for the control of air, water, or land pollution.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article VIII of the Texas Constitution is amended by adding Section 1-1 to read as follows:

Sec. 1-1. The legislature by general law may exempt from ad valorem taxation real and personal property used primarily as a facility, device, or method for the control of air, water, or land pollution.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November 2, 1993. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment relating to the exemption from ad valorem taxation of real and personal property used primarily for the control of air, water, or land pollution."

# HOUSE COMMITTEE REPORT

1<sup>st</sup> Printing

93 MAR 31 AM 10:12

HOUSE OF REPRESENTATIVES

By Stiles, Earley, et al.

H.J.R. No. 86

Substitute the following for H.J.R. No. 86:

By Craddick

C.S.H.J.R. No. 86

## A JOINT RESOLUTION

1 proposing a constitutional amendment relating to the exemption from  
2 ad valorem taxation of real and personal property used for the  
3 control of air, water, or land pollution.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Article VIII of the Texas Constitution is amended  
6 by adding Section 1-1 to read as follows:

7 Section 1-1. (a) The legislature by general law may exempt  
8 from ad valorem taxation all or part of real and personal property  
9 used, constructed, acquired, or installed wholly or partly to meet  
10 or exceed rules or regulations adopted by any environmental  
11 protection agency of the United States, this state, or a political  
12 subdivision of this state for the prevention, monitoring, control,  
13 or reduction of air, water, or land pollution.

14 (b) This section applies to real and personal property used  
15 as a facility, device, or method for the control of air, water, or  
16 land pollution that would otherwise be taxable for the first time  
17 on or after January 1, 1994.

18 SECTION 2. This proposed constitutional amendment shall be  
19 submitted to the voters at an election to be held November 2, 1993.  
20 The ballot shall be printed to provide for voting for or against  
21 the proposition: "The constitutional amendment to promote the  
22 reduction of pollution and to encourage the preservation of jobs by  
23 authorizing the exemption from ad valorem taxation of real and  
24 personal property used for the control of air, water, or land

COMMITTEE REPORT

The Honorable Pete Laney  
Speaker of the House of Representatives

3-24-93  
(date)

Sir:

We, your COMMITTEE ON WAYS AND MEANS  
to whom was referred HJR 86 have had the same under consideration and beg to report  
(measure)

back with the recommendation that it

( ) do pass, without amendment.  
( ) do pass, with amendment(s).  
(X) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.

A fiscal note was requested. (X) yes ( ) no An author's fiscal statement was requested. ( ) yes (X) no

A criminal justice policy impact statement was requested. ( ) yes (X) no

An equalized educational funding impact statement was requested. ( ) yes (X) no

An actuarial impact statement was requested. ( ) yes (X) no

A water development policy impact statement was requested. ( ) yes (X) no

( ) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

House Sponsor of Senate Measure \_\_\_\_\_

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Craddick, Ch.	X			
Alexander, V.C.				X
Berlanga	X			
Haggerty	X			
Heflin				X
Horn	X			
Moreno				X
Oliveira	X			
Uher	X			
Williamson	X			
Wolens	X			

Total

8 aye  
0 nay  
0 present, not voting  
2 absent

Pete Laney  
CHAIRMAN

## BILL ANALYSIS

### BACKGROUND INFORMATION

Environmental compliance has become one of the leading costs of doing business in the United States. As a major energy producing and manufacturing state, Texas is absorbing a substantial share of these costs.

According to a report by Dr. M. A. M. Anari and Dr. Jared Hazleton of Texas A&M University, entitled The Chemical Industry of Texas (November 1992), the Texas chemical industry alone spent more than \$5 billion on pollution abatement measures between 1980 and 1989; \$1 billion in 1989 alone. About one-third of those expenditures were capital expenditures, and the remaining two-thirds were for increased operating costs. Since 1989, other Texas companies have spent billions more, both to comply with federal, state, and local environmental standards and to reduce voluntarily the amount of pollutants discharged into the environment.

The Clean Air Act Amendments of 1990 and other environmental laws will require investments in pollution abatement over the next decade. As other costs also increase, Texas businesses will be placed at an increasing competitive disadvantage with other states and countries that have offered economic incentives for business location and pollution abatement. The major industries hardest hit by pollution control requirements--chemical, energy, refining, manufacturing--are also those that generate wealth, help support the tax bases for many local governments, and create high wage jobs that fuel the state's economy. Small businesses, which employ more than half of all Texas workers and produce more than 50 percent of all toxic emissions, are equally hard hit.

### PURPOSE

This joint resolution proposes to authorize the legislature by general law to exempt from property taxes real and personal property used primarily as a facility, device, or method for the control of air, water, or land pollution.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article VIII, Texas Constitution, by adding Section 1-1.

- (a) authorizes the legislature by general law to exempt from ad valorem taxation all or part of real or personal property used, constructed, acquired, or installed wholly or partly to meet or exceed rules or regulations adopted by any environmental protection agency of the United States, this state, or a political subdivision of this state for the prevention, monitoring, control, or reduction of air, water, or land pollution.
- (b) states that this section would apply to real and personal property used as a facility, device, or method for the control of air, water, or land pollution that would otherwise be taxable for the first time on or after January 1, 1994.

SECTION 2. The proposed amendment shall be submitted to the voters at an election to be held on November, 2, 1993. The ballot language reads: "The constitutional amendment to promote the reduction of pollution and to encourage the preservation of jobs by authorizing the exemption from ad valorem taxation of real and personal property used for the control of air, water, or land pollution."

#### COMPARISON OF ORIGINAL BILL TO SUBSTITUTE

C.S.H.J.R. 86 replaces the word "primarily" as used in H.J.R. 86 with "wholly or partly" to conform with changes made to enabling legislation which states specifically who adopts the rules and regulations to be followed.

C.S.H.J.R. 86 states that the exemption only applies to pollution control property that becomes taxable for the first time on January 1, 1994. H.J.R. 86 does not.

C.S.H.J.R. 86 modifies the ballot language expressing the intent of the exemption to encourage reduction of pollution and preservation of jobs. H.J.R. 86 does not.

#### RULEMAKING AUTHORITY

It is the committee's opinion this resolution does not delegate any new rulemaking authority to any state officer, agency, department, or institution.

#### SUMMARY OF COMMITTEE ACTION

Public notice was posted in accordance to the rules and a public hearing was held on March 24, 1993. The author, Representative Stiles, explained the bill to the committee. The Chair laid out a complete committee substitute to H.J.R. 86 by Representative Craddick. The following persons testified in favor of the resolution: Mary Miksa and Robert L. Davis. George Moff testified against the resolution. The committee received no public testimony on the resolution. Without objection, the committee adopted C.S.H.J.R. 86. By a record vote of 8 ayes, 0 nays, 0 present not voting, and 3 absent, the committee voted to report H.J.R. 86 to the House as substituted with the recommendation that it do pass.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE**  
**73rd Regular Session**

March 29, 1993

TO: Honorable Tom Craddick, Chair  
Committee on Ways and Means  
House of Representatives  
Austin, Texas

IN RE: Committee Substitute for  
House Joint Resolution  
No. 86

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for House Joint Resolution No. 86 (proposing a constitutional amendment relating to the exemption from ad valorem taxation of real and personal property used for the control of air, water, or land pollution) this office has determined the following:

The resolution proposes a constitutional amendment which, if adopted, would exempt from ad valorem taxation real and personal property used primarily for the control of air, water, or land pollution.

The fiscal impact of the resolution's provisions on the State and units of local government would depend on enabling legislation, such as House Bill 1920 or similar legislation.

The cost of publication of the resolution to the State is \$60,000.

Source: Comptroller of Public Accounts;  
LBB Staff: JO, JWH, DF, WJR, JOL

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE**  
**73rd Regular Session**

March 22, 1993

TO: Honorable Tom Craddick, Chair  
Committee on Ways and Means  
House of Representatives  
Austin, Texas

IN RE: House Joint Resolution No. 86  
By: Stiles

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 86 (proposing a constitutional amendment relating to the exemption from ad valorem taxation of real and personal property used primarily for the control of air, water, or land pollution) this office has determined the following:

The resolution proposes a constitutional amendment which, if adopted, would exempt from ad valorem taxation real and personal property used primarily for the control of air, water, or land pollution.

The fiscal impact of the resolution's provisions on the State and units of local government would depend on enabling legislation.

The cost of publication of the resolution to the State is \$60,000.

Source: Comptroller of Public Accounts  
LBB Staff: JO, JWH, DF, WJR, OC



By Stiles

H.J.R. No. 86

Substitute the following for H.J.R. No. 86:

By Caddell

C.S.H.J.R. No. 86

~~A~~ JOINT RESOLUTION

1 proposing a constitutional amendment relating to the  
2 exemption from ad valorem taxation of real and personal  
3 property used for the control of air, water, or land  
4 pollution.

5 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Article VIII of the Texas Constitution is  
7 amended by adding Section 1-<sup>18</sup>/<sub>1</sub> to read as follows:

8 Section 1-<sup>18</sup>/<sub>1</sub>. (a) The legislature by general law may  
9 exempt from ad valorem taxation all or part of real and  
10 personal property used, constructed, acquired, or installed  
11 wholly or partly to meet or exceed rules or regulations  
12 adopted by any environmental protection agency of the United  
13 States, this state, or a political subdivision of this state  
14 for the prevention, monitoring, control, or reduction of air,  
15 water, or land pollution.

16 (b) This section applies to real and personal property  
17 used as a facility, device, or method for the control of air,  
18 water, or land pollution that would otherwise be taxable for  
19 the first time on or after January 1, 1994.

20 ((INSERT A)) →  
21 SECTION 2. This proposed constitutional amendment shall  
22 be submitted to the voters at an election to be held November  
23 2, 1993. The ballot shall be printed to provide for voting  
24 for or against the proposition: "The constitutional  
25 amendment to promote the reduction of pollution and to  
26 encourage the preservation of jobs by authorizing the  
27 exemption from ad valorem taxation of real and personal  
28 property used for the control of air, water, or land  
pollution."

**ADOPTED** as amended

APR 20 1993

*Betty Murray*  
Chief Clerk  
House of Representatives

**ADOPTED**

APR 20 1993

*Betty Murray*  
Chief Clerk  
House of Representatives

*[Handwritten mark]*

*Stiles*

AMENDMENT NO. ①

BY \_\_\_\_\_

1 Amend C.S.H.J.R. No. 86 on page 1, between lines 17<sup>4</sup> and 18<sup>13</sup>,  
2 by inserting the following:  
3 (c) This section does not authorize the exemption from ad  
4 valorem taxation of real or personal property that was subject to a  
5 tax abatement agreement executed before January 1, 1994.

# HOUSE ENGROSSMENT

By Stiles, Earley, et al.

H.J.R. No. 86

## A JOINT RESOLUTION

1 proposing a constitutional amendment relating to the exemption from  
2 ad valorem taxation of real and personal property used for the  
3 control of air, water, or land pollution.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Article VIII of the Texas Constitution is amended  
6 by adding Section 1-1 to read as follows:

7 Sec. 1-1. (a) The legislature by general law may exempt  
8 from ad valorem taxation all or part of real and personal property  
9 used, constructed, acquired, or installed wholly or partly to meet  
10 or exceed rules or regulations adopted by any environmental  
11 protection agency of the United States, this state, or a political  
12 subdivision of this state for the prevention, monitoring, control,  
13 or reduction of air, water, or land pollution.

14 (b) This section applies to real and personal property used  
15 as a facility, device, or method for the control of air, water, or  
16 land pollution that would otherwise be taxable for the first time  
17 on or after January 1, 1994.

18 (c) This section does not authorize the exemption from ad  
19 valorem taxation of real or personal property that was subject to a  
20 tax abatement agreement executed before January 1, 1994.

21 SECTION 2. This proposed constitutional amendment shall be  
22 submitted to the voters at an election to be held November 2, 1993.  
23 The ballot shall be printed to provide for voting for or against  
24 the proposition: "The constitutional amendment to promote the

H.J.R. No. 86

1 reduction of pollution and to encourage the preservation of jobs by  
2 authorizing the exemption from ad valorem taxation of real and  
3 personal property used for the control of air, water, or land  
4 pollution."

1 By: Stiles, Earley, et al.

H.J.R. No. 86

2 (Senate Sponsor - Armbrister)

3 (In the Senate - Received from the House April 21, 1993;  
4 April 22, 1993, read first time and referred to Committee on  
5 Intergovernmental Relations; April 29, 1993, reported favorably by  
6 the following vote: Yeas 8, Nays 0; April 29, 1993, sent to  
7 printer.)

8 COMMITTEE VOTE

	Yea	Nay	PNV	Absent
9 Armbrister	x			
10 Leedom	x			
11 Carriker				x
12 Henderson				x
13 Madla	x			
14 Moncrief	x			
15 Patterson	x			
16 Rosson	x			
17 Shapiro	x			
18 Wentworth				x
19 Whitmire	x			

21 A JOINT RESOLUTION

22 proposing a constitutional amendment relating to the exemption from  
23 ad valorem taxation of real and personal property used for the  
24 control of air, water, or land pollution.

25 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

26 SECTION 1. Article VIII of the Texas Constitution is amended  
27 by adding Section 1-1 to read as follows:

28 Sec. 1-1. (a) The legislature by general law may exempt  
29 from ad valorem taxation all or part of real and personal property  
30 used, constructed, acquired, or installed wholly or partly to meet  
31 or exceed rules or regulations adopted by any environmental  
32 protection agency of the United States, this state, or a political  
33 subdivision of this state for the prevention, monitoring, control,  
34 or reduction of air, water, or land pollution.

35 (b) This section applies to real and personal property used  
36 as a facility, device, or method for the control of air, water, or  
37 land pollution that would otherwise be taxable for the first time  
38 on or after January 1, 1994.

39 (c) This section does not authorize the exemption from ad  
40 valorem taxation of real or personal property that was subject to a  
41 tax abatement agreement executed before January 1, 1994.

42 SECTION 2. This proposed constitutional amendment shall be  
43 submitted to the voters at an election to be held November 2, 1993.  
44 The ballot shall be printed to provide for voting for or against  
45 the proposition: "The constitutional amendment to promote the  
46 reduction of pollution and to encourage the preservation of jobs by  
47 authorizing the exemption from ad valorem taxation of real and  
48 personal property used for the control of air, water, or land  
49 pollution."

50 \* \* \* \* \*

51 Austin, Texas  
52 April 29, 1993

53 Hon. Bob Bullock  
54 President of the Senate

55 Sir:

56 We, your Committee on Intergovernmental Relations to which was  
57 referred H.J.R. No. 86, have had the same under consideration, and  
58 I am instructed to report it back to the Senate with the  
59 recommendation that it do pass and be printed.

60 Armbrister, Chairman

\* \* \* \* \*

**WITNESSES**

FOR      AGAINST      ON

Name: Mary Miksa  
Representing: Tx Association of Business  
City: Austin

Name: Billie Meador  
Representing: Panhandle Eastern Corp.  
City: Houston

Name: Michael White  
Representing: Greater Houston Partnership  
City: Houston

Name: Chris Shields x  
Representing: Tx Chamber of Commerce  
City: Austin

Name: George H. Moff  
Representing: Nueces County Appraisal Dist.  
City: Corpus Christi

Name: Robert Howden x  
Representing: National Federation of Inde.Bs  
City: Austin

Name: Julie W. Moore x  
Representing: Occidental Chemical  
City: Austin

Name: H.P. Whitworth  
Representing: Tx Chemical Council  
City: Austin

Name: Russell B. Bridges  
Representing: 3M Company  
City: Austin

**FAVORABLE**  
**SENATE COMMITTEE REPORT ON**

SB SCR SJR SR HB HCR HJR 86  
By Armbrister  
(Author/Senate Sponsor)  
4/28/93  
(date)

We, your Committee on INTERGOVERNMENTAL RELATIONS, to which was referred the attached measure, have on 4/28/93, had the same under consideration and I am instructed to report it back with the recommendation (s) that it:

- ☒ do pass and be printed  
☐ do pass and be ordered not printed  
☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

An actuarial analysis was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Armbrister, Chair	X			
Leedom, Vice-Chair	X			
Carriker			X	
Henderson			X	
Madla	X			
Moncrief	X			
Patterson	X			
Rosson	X			
Shapiro	X			
Wentworth			X	
Whitmire	X			
TOTAL VOTES	8	0	3	.0

**COMMITTEE ACTION**

S260 Considered in public hearing  
S270 Testimony taken

Marjorie Dardall  
COMMITTEE CLERK

[Signature]  
CHAIRMAN

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE**  
**73rd Regular Session**

April 27, 1993

TO: Honorable Ken Armbrister, Chair  
Committee on Intergovernmental Relations  
Senate Chamber  
Austin, Texas

IN RE: House Joint Resolution No. 86,  
as engrossed  
By: Stiles, et al.

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 86, as engrossed (proposing a constitutional amendment relating to the exemption from ad valorem taxation of real and personal property used for the control of air, water, or land pollution) this office has determined the following:

The resolution, if adopted, would exempt from ad valorem taxation all or part of real and personal property placed in service for the first time on or after January 1, 1994, used primarily for the control of air, water, or land pollution.

The resolution would not exempt real or personal pollution control property which was subject to a tax abatement agreement executed before January 1, 1994.

The fiscal impact of the resolution's provisions on the State and units of local government would depend on enabling legislation, such as House Bill 1920 or similar legislation.

The cost of publication of the resolution to the State is \$60,000.

Source: LBB Staff: JO, JWH, EC, WJR, OC



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE**  
**73rd Regular Session**

March 29, 1993

TO: Honorable Tom Craddick, Chair  
Committee on Ways and Means  
House of Representatives  
Austin, Texas

IN RE: Committee Substitute for  
House Joint Resolution  
No. 86

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for House Joint Resolution No. 86 (proposing a constitutional amendment relating to the exemption from ad valorem taxation of real and personal property used for the control of air, water, or land pollution) this office has determined the following:

The resolution proposes a constitutional amendment which, if adopted, would exempt from ad valorem taxation real and personal property used primarily for the control of air, water, or land pollution.

The fiscal impact of the resolution's provisions on the State and units of local government would depend on enabling legislation, such as House Bill 1920 or similar legislation.

The cost of publication of the resolution to the State is \$60,000.

Source: Comptroller of Public Accounts;  
LBB Staff: JO, JWH, DF, WJR, JOL

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE**  
**73rd Regular Session**

March 22, 1993

TO: Honorable Tom Craddick, Chair  
Committee on Ways and Means  
House of Representatives  
Austin, Texas

IN RE: House Joint Resolution No. 86  
By: Stiles

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on House Joint Resolution No. 86 (proposing a constitutional amendment relating to the exemption from ad valorem taxation of real and personal property used primarily for the control of air, water, or land pollution) this office has determined the following:

The resolution proposes a constitutional amendment which, if adopted, would exempt from ad valorem taxation real and personal property used primarily for the control of air, water, or land pollution.

The fiscal impact of the resolution's provisions on the State and units of local government would depend on enabling legislation.

The cost of publication of the resolution to the State is \$60,000.

Source: Comptroller of Public Accounts  
LBB Staff: JO, JWH, DF, WJR, OC

F  
**ENROLLED**

H.J.R. No. 86

A JOINT RESOLUTION

1 proposing a constitutional amendment relating to the exemption from  
2 ad valorem taxation of real and personal property used for the  
3 control of air, water, or land pollution.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Article VIII of the Texas Constitution is amended  
6 by adding Section 1-1 to read as follows:

7 Sec. 1-1. (a) The legislature by general law may exempt  
8 from ad valorem taxation all or part of real and personal property  
9 used, constructed, acquired, or installed wholly or partly to meet  
10 or exceed rules or regulations adopted by any environmental  
11 protection agency of the United States, this state, or a political  
12 subdivision of this state for the prevention, monitoring, control,  
13 or reduction of air, water, or land pollution.

14 (b) This section applies to real and personal property used  
15 as a facility, device, or method for the control of air, water, or  
16 land pollution that would otherwise be taxable for the first time  
17 on or after January 1, 1994.

18 (c) This section does not authorize the exemption from ad  
19 valorem taxation of real or personal property that was subject to a  
20 tax abatement agreement executed before January 1, 1994.

21 SECTION 2. This proposed constitutional amendment shall be  
22 submitted to the voters at an election to be held November 2, 1993.  
23 The ballot shall be printed to provide for voting for or against  
24 the proposition: "The constitutional amendment to promote the

H.J.R. No. 86

1 reduction of pollution and to encourage the preservation of jobs by  
2 authorizing the exemption from ad valorem taxation of real and  
3 personal property used for the control of air, water, or land  
4 pollution."

H.J.R. No. 86

---

President of the Senate

---

Speaker of the House

I certify that H.J.R. No. 86 was passed by the House on April 20, 1993, by the following vote: Yeas 141, Nays 3, 1 present, not voting.

---

Chief Clerk of the House

I certify that H.J.R. No. 86 was passed by the Senate on April 30, 1993, by the following vote: Yeas 28, Nays 0.

---

Secretary of the Senate

RECEIVED: \_\_\_\_\_

Date

---

Secretary of State

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.J.R. No. 86<sup>✓</sup> was passed by the House on  
(1)

April 20<sup>✓</sup>, 1993, by the following vote:  
(2)

Yeas 141<sup>✓</sup>, Nays 3<sup>✓</sup>, 1 present, not voting<sup>✓</sup>.  
(3) (4)

\_\_\_\_\_  
Chief Clerk of the House

I certify that H.J.R. No. 86<sup>✓</sup> was passed by the Senate on

April 30<sup>✓</sup>, 1993, by the following vote:  
(5)

Yeas 28<sup>✓</sup>, Nays 0<sup>✓</sup>.  
(6) (7)

\_\_\_\_\_  
Secretary of the Senate

RECEIVED:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Secretary of State

\*\*\*\* Preparation: CT47;

## BILL ANALYSIS

Senate Research Center

H.J.R. 86  
By: Stiles  
Intergovernmental Relations  
4-27-93  
Engrossed

### BACKGROUND

Environmental compliance has become one of the leading costs of doing business in the United States. As a major energy producing and manufacturing state, Texas is absorbing a substantial share of these costs. The Clean Air Act Amendments of 1990 and other environmental laws will require investments in pollution abatement over the next decade. As other costs also increase, Texas businesses will be placed at an increasing competitive disadvantage with other states and countries that have offered economic incentives for business location and pollution abatement. The major industries hardest hit by pollution control requirements--chemical, energy, refining, manufacturing--are also those that generate wealth, help support the tax bases of many local governments, and create high wage jobs that fuel the state's economy. Small businesses, which employ more than half of all Texas workers and produce more than 50 percent of all toxic emissions, are equally hard hit.

### PURPOSE

As proposed, H.J.R. 86 requires the submission to the voters of a constitutional amendment authorizing the legislature to provide for exemption from ad valorem taxation of real and personal property used for the control of air, water, or land pollution.

### RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article VIII, Texas Constitution, by adding Section 1-1, as follows:

Sec. 1-1. (a) Authorizes the legislature by general law to exempt from ad valorem taxation all or part of real and personal property used, constructed, acquired, or installed wholly or partly to meet or exceed rules or regulations adopted by any environmental protection agency of the United States, this state, or a political subdivision of this state for the prevention, monitoring, control, or reduction of air, water, or land pollution.

(b) Provides that this section applies to real and personal property used as a facility, device, or method for the control of air, water, or land pollution that would otherwise be taxable for the first time on or after January 1, 1994.

(c) Provides that this section does not authorize the exemption from ad valorem taxation of real or personal property that was subject to a tax abatement agreement executed before January 1, 1994.

SECTION 2. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 2, 1993. Sets forth required language for the ballot.

## BILL ANALYSIS

Senate Research Center

H.J.R. 86  
By: Stiles  
Intergovernmental Relations  
7-7-93  
Enrolled

### BACKGROUND

Environmental compliance has become one of the leading costs of doing business in the United States. As a major energy producing and manufacturing state, Texas is absorbing a substantial share of these costs. The Clean Air Act Amendments of 1990 and other environmental laws will require investments in pollution abatement over the next decade. As other costs also increase, Texas businesses will be placed at an increasing competitive disadvantage with other states and countries that have offered economic incentives for business location and pollution abatement. The major industries hardest hit by pollution control requirements--chemical, energy, refining, manufacturing--are also those that generate wealth, help support the tax bases of many local governments, and create high wage jobs that fuel the state's economy. Small businesses, which employ more than half of all Texas workers and produce more than 50 percent of all toxic emissions, are equally hard hit.

### PURPOSE

As enrolled, H.J.R. 86 requires the submission to the voters of a constitutional amendment authorizing the legislature to provide for exemption from ad valorem taxation of real and personal property used for the control of air, water, or land pollution.

### RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article VIII, Texas Constitution, by adding Section 1-1, as follows:

Sec. 1-1. (a) Authorizes the legislature by general law to exempt from ad valorem taxation all or part of real and personal property used, constructed, acquired, or installed wholly or partly to meet or exceed rules or regulations adopted by any environmental protection agency of the United States, this state, or a political subdivision of this state for the prevention, monitoring, control, or reduction of air, water, or land pollution.

(b) Provides that this section applies to real and personal property used as a facility, device, or method for the control of air, water, or land pollution that would otherwise be taxable for the first time on or after January 1, 1994.

(c) Provides that this section does not authorize the exemption from ad valorem taxation of real or personal property that was subject to a tax abatement agreement executed before January 1, 1994.

SECTION 2. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 2, 1993. Sets forth required language for the ballot.



## BILL ANALYSIS

Senate Research Center

H.J.R. 86  
By: Stiles  
Intergovernmental Relations  
9-15-93  
Enrolled

### BACKGROUND

Environmental compliance has become one of the leading costs of doing business in the United States. As a major energy producing and manufacturing state, Texas is absorbing a substantial share of these costs. The Clean Air Act Amendments of 1990 and other environmental laws will require investments in pollution abatement over the next decade. As other costs also increase, Texas businesses will be placed at an increasing competitive disadvantage with other states and countries that have offered economic incentives for business location and pollution abatement. The major industries hardest hit by pollution control requirements--chemical, energy, refining, manufacturing--are also those that generate wealth, help support the tax bases of many local governments, and create high wage jobs that fuel the state's economy. Small businesses, which employ more than half of all Texas workers and produce more than 50 percent of all toxic emissions, are equally hard hit.

### PURPOSE

As enrolled, H.J.R. 86 requires the submission to the voters of a constitutional amendment authorizing the legislature to provide for exemption from ad valorem taxation of real and personal property used for the control of air, water, or land pollution.

### RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

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(b) Provides that this section applies to real and personal property used as a facility, device, or method for the control of air, water, or land pollution that would otherwise be taxable for the first time on or after January 1, 1994.

(c) Provides that this section does not authorize the exemption from ad valorem taxation of real or personal property that was subject to a tax abatement agreement executed before January 1, 1994.

SECTION 2. Requires the submission of this constitutional amendment to the voters at an election to be held November 2, 1993, and provides the language for the ballot.

## BILL ANALYSIS

Senate Research Center

H.J.R. 86  
By: Stiles  
Intergovernmental Relations  
9-15-93  
Enrolled

### BACKGROUND

Environmental compliance has become one of the leading costs of doing business in the United States. As a major energy producing and manufacturing state, Texas is absorbing a substantial share of these costs. The Clean Air Act Amendments of 1990 and other environmental laws will require investments in pollution abatement over the next decade. As other costs also increase, Texas businesses will be placed at an increasing competitive disadvantage with other states and countries that have offered economic incentives for business location and pollution abatement. The major industries hardest hit by pollution control requirements--chemical, energy, refining, manufacturing--are also those that generate wealth, help support the tax bases of many local governments, and create high wage jobs that fuel the state's economy. Small businesses, which employ more than half of all Texas workers and produce more than 50 percent of all toxic emissions, are equally hard hit.

### PURPOSE

As enrolled, H.J.R. 86 requires the submission to the voters of a constitutional amendment authorizing the legislature to provide for exemption from ad valorem taxation of real and personal property used for the control of air, water, or land pollution.

### RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article VIII, Texas Constitution, by adding Section 1-1, as follows:

Sec. 1-1. (a) Authorizes the legislature by general law to exempt from ad valorem taxation all or part of real and personal property used, constructed, acquired, or installed wholly or partly to meet or exceed rules or regulations adopted by any environmental protection agency of the United States, this state, or a political subdivision of this state for the prevention, monitoring, control, or reduction of air, water, or land pollution.

(b) Provides that this section applies to real and personal property used as a facility, device, or method for the control of air, water, or land pollution that would otherwise be taxable for the first time on or after January 1, 1994.

(c) Provides that this section does not authorize the exemption from ad valorem taxation of real or personal property that was subject to a tax abatement agreement executed before January 1, 1994.

SECTION 2. Requires the submission of this constitutional amendment to the voters at an election to be held November 2, 1993, and provides the language for the ballot.

H. J. R. No. 86

By Stiles

HOUSE JOINT RESOLUTION

proposing a constitutional amendment relating to the exemption from ad valorem taxation of real and personal property used primarily for the control of air, water, or land pollution.

MAR 10 1993

1. Filed with the Chief Clerk.

APR 19 1993

Motion to postpone further consideration of HJR No. 86 until Two - April 30 at 10:00 prevailed by a non-record vote.

MAR 11 1993

2. Read first time and referred to Committee on

WAYS + MEANS

MAR 24 1993

3. Reported favorably (as amended) (as substituted) and sent to Printer at 11:15 AM

MAR 30 1993

MAR 31 1993

4. Printed and distributed at 10:12 AM

MAR 31 1993

5. Sent to Committee on Calendars at 3:14 pm

APR 20 1993

6. Read second time (amended) and (finally) passed to ~~Third Reading~~ by a Record Vote of 14 yeas, 3 nays, 1 present, not voting.

7. Motion to reconsider and table the vote by which H.J.R. \_\_\_\_\_ was ordered engrossed prevailed (failed) by (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

8. Read third time (amended) and finally adopted (failed of adoption) by a Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting.

9. Caption ordered amended to conform to body of resolution.

10. Motion to reconsider and table the vote by which H.J.R. \_\_\_\_\_ was finally adopted prevailed (failed) by a (Non-Record Vote) Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

APR 20 1993

11. Ordered Engrossed at 11:55 am

APR 20 1993

12. Engrossed.

APR 20 1993

13. Returned to Chief Clerk at 6:02 pm

APR 21 1993

14. Sent to the Senate.

Betty Murray  
Chief Clerk of the House

APR 21 1993

15. Received from the House

APR 22 1993

16. Read, referred to Committee on INTERGOVERNMENTAL RELATIONS

April 29, 1993

17. Reported favorably

18. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

19. Ordered not printed.

APR 30 1993

20. Regular order of business suspended by unanimous (a viva voce vote.) Consent yeas, \_\_\_\_\_ nays.)

21. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

APR 30 1993

22. Read second time passed to third reading by: (a viva voce vote.) Consent yeas, \_\_\_\_\_ nays.)

23. Caption ordered amended to conform to body of bill.

APR 30 1993

24. Senate and Constitutional 3-Day Rules suspended by vote of 28 yeas,  
0 nays to place bill on third reading and final passage.

APR 30 1993

25. Read third time and passed by

(~~a viva voce vote.~~)  
( 28 yeas, 0 nays.)

OTHER ACTION:

OTHER ACTION:

*Betty King*

Secretary of the Senate

*May 3, 1993*

26. Returned to the House.

MAY 3 1993

27. Received from the Senate (with amendments.)  
(as-substituted.)

28. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record  
(Substitute) Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present,  
not voting).

29. Conference Committee Ordered.

30. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record  
Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

MAY 3 1993

31. Ordered Enrolled at 10:14 am

HOUSE OF REPRESENTATIVES

1093 APR 20 PM 6:03

HOUSE OF REPRESENTATIVES

93 MAR 31 AM 10:12

*162*

*28*